

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SIMMS SHOWERS LLP

Plaintiff,

v.

MICHAEL JONES

Defendant.

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Case No. 1:23-cv-02827 ABA

**PLAINTIFF’S MOTION TO TREAT JANUARY 5, 2025 AND
JANUARY 14, 2025 SUPPLEMENTS TO MOTION TO
DISMISS AS NEW MOTIONS, OR FOR LEAVE TO FILE SUR-REPLY**

The Plaintiff Simms Showers LLP, through Counsel, moves for an order treating the Defendant’s January 5, 2025 and January 14, 2025 Supplements to Motion to Dismiss as separate Motions (permitting Opposition from Plaintiff), or for leave to file Sur-Reply, and states as follows:

1. The Defendant filed his motion to dismiss the original complaint on September 27, 2024, filed his motion to dismiss the amended Complaint on October 14, 2024, filed his reply to the Plaintiff’s Opposition on October 29, 2024, and filed supplements on November 4, 2024 and December 10, 2024.

2. In none of those filings did Defendant contend the Circuit Court lacked subject matter jurisdiction due to either his citizenship or the amount in controversy.

3. Defendant raised his contention regarding his citizenship in a “supplement” filed January 5, 2025 and raised his contentions regarding the amount in controversy in a supplement filed January 14, 2025.

4. Sur-Replies are generally not permitted, however, the Defendant has raised

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substantial new issues in what he contends are merely supplements to his Motion. Procedural fairness should permit the Plaintiff to respond substantively.

5. The Plaintiff's proposed Opposition (or Sur-Reply) and proposed order are attached as Exhibit 1.

Wherefore the Plaintiff Simms Showers LLP, through Counsel, moves for an order treating the Defendant's January 5, 2025 and January 14, 2025 Supplements to Motion to Dismiss as separate Motions (permitting Opposition from Plaintiff), or for leave to file Sur-Reply.

Respectfully submitted,

DeCARO, DORAN, SICILIANO,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **21st** day of **January, 2025** a copy of the foregoing was served on the *pro se* Plaintiff by electronic mail.

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